SHRI B.J. PANDA (Orissa): Sir, I associate myself with the Special Mention made by the hon. Member.

THE INDIAN BOILERS (AMENDMENT) BILL, 1994

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION, MINISTRY OF COMMERCE AND INDUSTRY (SHRI ASHWANI KUMAR): Sir, I beg to move:

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

Sir, I need a new minutes to explain this Bill to this august House. The genesis of this amendment bill can be traced back to as early as 1972. It is, indeed, now a matter of great satisfaction for me that finally, this important piece of legislation has been brought for consideration of this august House. In 1972, a high-powered expert committee was constituted, which was a technical committee. The Committee, in view of the rapid advances in technology relating to the design, manufacture and use of boilers, which are a critical component in every manufacturing activity, recommended suitable amendments to bring the law in line with the requirements of changing times. In 1974, the recommendations of this committee were circulated to all State Governments. The Boilers Act being a Concurrent Subject, it had to have the approval of the State Governments. In 1984, recommendations had to be again circulated because in the interregnum, there was not sufficient consensus; there were serious objections taken by the State Governments with respect to the then proposed amendments. In 1984, deliberations took place again and a lot of material was received by the Government, the Central Boiler Board and the State Governments. The Department of Industrial Policy and Promotion again considered what was required to be done. But finally, in November, 1993, a Cabinet note incorporating some of the accepted suggestions was moved. This Bill, therefore, to amend the Act, was re-introduced in the Rajya Sabha in May, 1994. We are now in 2007, but finally, I think we will have a legislation. But I must tell this august House why the delay occured.

Sir, Rajya Sabha, in its wisdom referred the Bill to the Standing Committee because it was considered that certain provisions will have to be minutely scrutinized with a view to taking care of some of the objections to the proposed amendments that were still pouring in. Therefore, this august House, in its wisdom, decided to let the matter be reconsidered.

Sir, on 29th March, 1995, the Committee submitted its report and further modifications to the Indian Boilers (Amendment) Bill, 1994 were suggested which were then accepted by the Cabinet by way of a Cabinet note. The Bill was then introduced in its revised form in the Rajya Sabha in the Monsoon Session of 2000. The Bill was again deferred. In the meantime, we had more representations and these representations were again considered at the highest level with as much scrutiny as was possible. Finally, this piece of legislation which is for consideration before this House has been brought here in its present form, pursuant to the official amendments to the amending Bill that were proposed to the Secretary-General on 16th May, 2007. This has been the genesis of this Bill. For many years, various committees and various fora considered the provisions of this Bill threadbare. So, now what we have before this august House is the distilled wisdom of many years of debate, reflection and consideration.

Sir, before I point out very briefly the salient features of this amending Bill, I must tell for the benefit of this House why this Bill is so critically important. On the face of it, many people may not know about it, but no manufacturing facility in the country can actually perform its function without a boiler. It could be a boiler of X capacity or it could be a boiler of B capacity, but it has to be there. Originally, in 1923, Sir, when the principal Act

was formulated, the concern primarily was safety from explosives in commercial establishments and in factory establishments. Thereafter, Sir, with the advancement of technology— now we have boilers which sub-serve 800 megawatts of power generation as well—huge boilers having become possible, it was considered necessary to bring the law in line with the expectations of the users of the boilers component manufacturers and also the boiler manufacturers. Therefore, Sir, this is so critically important in the entire process of industrialisation in this country that we had to bring it up to the international standards. So, the principal objective that the amendments now seek to ensure in a more purposive manner is the safety norms, to ensure uniformity in the standard of inspection—I will dwell on this subject a little later—and for expediting the inspection and reducing delays in inspection and for providing an adequate procedural framework for redressal of grievances by way of appeals to the Central Government which has been introduced for the first time, and also to introduce purposive penalties for violations. For example, Sir, in the earlier Bill, the penalties were raised from Rs. 100 to Rs. 1000. We have increased penalties from Rs. 1000 to Rs. 1 lakh so that they have a purpose to serve.

Now coming to the most important change that the Bill seeks to introduce, it is with respect to the inspection. I take a few moments on this because there is going to be, I expect, questions about this because one of the principal stalling reasons for the early passage of this amendment Bill was that the State Government who have the sole monopoly of inspection through their appointed Government inspectors was not fulfilling its purpose. Too many industries have come up and too many kinds of boilers are in the market, but very few inspectors. There was a State monopoly on inspections. The result was that there was no timely inspection and inevitable corruption in the process became rampant. So, the Government, after taking into consideration various suggestions and after discussing with all the stakeholders, came to the conclusion that they should now allow private parties to be able to inspect and then certify whether the inspections are fit for use, whether there has been any flaws in the design and manufacturing. Sir, there is another important change that has been introduced. Earlier the inspections were confined to the user. Now we have introduced inspections even with respect to the design of boilers and with respect to the phase of manufacturing because if the manufacturing process is flawed, the user will never have the desired result from the boiler. Sir, another very significant change that the Bill seeks to introduce is to plug the loopholes with reference to avoiding explosions. There is a concept of baby boiler. Baby boilers wre small boilers which were of a particular capacity of 22.7 or something like that. What the users would do? by removing one drum, which was the component of that baby boiler, they would reduce the capacity and make an ordinary boiler into a baby boiler and say now this is beyond the purview of inspection. So, we have now introduced a change and referred to a technology that a particular boiler, which will have this technology or this component or this function in place, will *ipso facto* be a boiler which will have to undergo inspection so that safety norms are ensured. So, Sir, these may be technical, but these are critically important amendments in the Boilers Act. We have also sought to introduce a few other relevant amendments and, Sir, these relate to the definition of what is a 'Competent Person' and of the 'Inspecting Authority' and of the 'Competent Authority'. Sir, these have become necessary because we have now introduced third party inspection so that the inspecting authority, as defined in the 1993 Act, need no longer be confined to the State-appointed Government inspectors and must encompass and include the third party inspections. So, the definition of 'boiler' as I explained... *(Interruptions)*. Therefore, Sir, 'boiler' definition has also been amended in order to ensure that these are brought in line with the ISO Boiler Code, which is an international standards specification. The definition of 'accident' has also been suitably amended to include only those accidents that would cause damage to property, life,

etc. Minor accidents, for example, a minor corrosion, will not now be considered as an accident unless it has the effect of threatening the property or life of the people concerned. This is just to make is more purposive and make it more practical and user friendly.

We have also made an important amendment with respect to the re-constitution of the Central Boilers Board. The Central Boilers Board, as originally constituted, had 'X' number of Members—I think 15 Members—representing the States, and Members representing the Central Government. There was, at one point of time, a suggestion that the total number of Members of the Board would be such which, it was considered, would dilute the role of the State Government. So, the State Governments said that each State must have one nominee. We have accepted that recommendation. The idea was not, in any way, to dilute either the authority of the State Government or the authority of the State-nominated Government inspectors, but to make it more broad-based and have more representatives of all the organisations so that a very comprehensive methodology in terms of regulation, in terms of inspection could be formulated. This was one of the principal areas of discord which, we believe, as per the recommendations of the Standing Committee, which have been accepted, has been solved.

Then, Sir, there was a provision about mandatory inspection every 12 months. Sir, in that respect, we have introduced flexibility. With the advance in the technology, it may not be necessary to have inspection every 12 months. I tell you the reason. For example, in the oil, gas and power sector, one day of stopping of a boiler for inspection can lead to hundreds and crores of loss of production. So, with the advance in the technology, it was considered necessary and as advised by the Technical Expert Committee that it may not always be necessary to mandatorily have an inspection every 12 months, and that it would suffice the aims and substantive provisions of the statute if we could introduce flexibility. So, now, Sir, we have amended that to introduce flexibility. If considered necessary, it could be earlier; if considered necessary, it could be within 24 months as well only to rationalise and bring it in line with international practices. So, Sir, these were some of the main provisions.

As I said, this also has a provision about penalties, which are only notional penalties. Rs.100 or Rs. 1000 penalty was hardly a penalty in today's time. We have, therefore, increased those penalties to make them purposive and to ensure that the provisions of the Act were complied.

Now, Sir, these objectives have been sought to be achieved by introducing necessary amendments. I do believe, Sir, in all humility, this is a critical piece of amending legislation in accord with the spirit of the times, in accord with the felt necessities of time. India is galloping towards a very high-growth economy. We are expanding our economy. We are expanding our industrial base. Our productivity has gone up. Our industrial production has gone up. This is indeed a matter of pride that our manufacturing has recorded an increase of 12.3 per cent in the last quarter, highest ever recorded in independent India, and I do believe, Sir, that it is time we brought out legislation in tune with the needs of our times. These, Sir, are my introductory comments on the Bill.

Sir, I am sure that I would profit immensely from the debate that will ensue, and, I would later exercise my right to reply. Thank you.

The question was proposed.

SHRI SU. THIRUNAVUKKARASAR (Madhya Pradesh): Mr. Vice-Chairman, Sir, I rise to oppose this Bill for the reasons which I am going to state in my speech. Firstly, Sir, the subject of boilers is in the Concurrent List. Sir, the Indian Boilers Act, 1923 is a Central Act, which is implemented by the States. As the hon. Minister has mentioned, for the first time, the

2.00 P.M.

Bill was introduced in 1994 in this House. There were so many shortcomings in the Bill. It was referred to the Parliamentary Standing Committee in 1994. The report of the Parliamentary Standing Committee was given to the Ministry in 1995. From 1995 to 2000, nothing happened. Again, in the year 2000, for the second time, it was introduced in the Rajya Sabha. Again, most of the political parties, most of the hon. Members opposed the Bill. Most of the State Government also opposed the amendments. Sir nearly twelve years have passed since the report of the Parliamentary Standing Committee was first given to the Ministry, and, after twelve years, you are bringing the Bill. Now, I want to ask the hon. Minister whether in these twelve years, they have consulted their own Ministry, that is Ministry of Labour. This is the first question. Secondly, I would like to know whether you have consulted the Labour Ministers of the State Governments or whether any ministerial conference or State-level Ministerial meeting has been organized. I have my own doubts and I have reasons to believe that no such meeting was held either with the States at the level of the Chief Minister or with their own Ministry of Labour. Why do you want to push it in a hurry now? Sir, my request to the hon. Minister is why don't you refer this...*(Interruptions)*....

SHRI V. NARAYANASAMY (Puducherry): Sir, this is something.....*(Interruptions)*...

SHRI SU. THIRUNAVUKKARASAR (Madhya Pradesh): No, no..*(Interruptions)*...Again, you are bringing this Bill with so many shortcomings. Why don't you take another six months or one year? Nothing serious is going to happen; heaven is not going to fall. Sir, the Indian Boilers Act, 1923 is in existence nearly for the last eighty years, and, in the past eighty years, nothing has happened. Of course, we want some changes. Why don't you refer this again to the Parliamentary Standing Committee? It was referred to the Parliamentary Standing Committee in 1994. I don't know how many hon. Members of that Committee are representing in this House today. Why don't you refer this to the Parliamentary Standing Committee again, and, get the report from the hon. Members of the various political parties.

Why don't you have State-level meeting of the Labour Ministers and get their consent also? Firstly, you are taking away the powers of the State Governments through these amendments. Secondly, you are putting the State Governments to a financial loss. They are going to lose revenue also. Who is going to be benefited? The only party who is going to be benefited is the multi-national companies or the private companies. You are taking the power of the inspectors from the State and allowing the big, private multinational companies to inspect. In this process, who is going to be benefited? Earlier the inspection fee was only Rs. 2,000, Rs.5,000 and all that. But now, they have to pay Rs. 1,00,000 or Rs. 2,00,000 to the multinational companies. So, only the big companies are going to be benefited at the cost of the loss of revenue of the State Governments because of that the State Government are opposing it. I want to know from the hon. Minister which State Government has recommended for these amendments. You convened a meeting the Labour Secretaries of State Government. Only 15 State Government Secretaries participated in the meeting and everybody opposed this. all the State Government Secretaries opposed this

Again, about the members, I request the hon. Minister that the State Government nominated members should be more. You have to increase the strength of the members. It should be more or the number of the private agencies members should be reduced. It should be less than the State Government members. I will again request the hon. Minister to consider and exempt the boilers below the capacity of 50 megawatts. Otherwise, the small manufacturers will be put into hardship.

So, Sir, I would request the hon. Minister again to refer this Bill to the Parliamentary Standing Commitee so that they can consider all the facts and the amendments which you

want to bring. Sir, again consult all the State Governments and the Ministry of Labour also. Then, after six months or after one year, you can again bring the Bill with all the new amendments. I am saying this because in these 12 years a lot of technological developments have taken place. So, all these things can be considered by the State Governments, by the hon. MPs and with their recommendations, you can again bring in the Bill. This is my suggestion. At this stage, I am opposing this Bill and request you to refer this to the Parliamentary Standing Committee so that you can convince the State Government also. That is more important because you are taking the powers, you are centralising the powers. You are not taking the powers from the State Government to the Central Government only; you are giving the powers to the private multinational companies. The boiler manufacturers can select the inspection agency of their own choice. How will it be beneficial? Boiler manufacturer can select his own private agency to inspect his own production in which there won't by any safety for the life and property. So, I request the hon. Minister to consider our request to refer it to the Parliamentary Standing Committee. Thank you.

DR.E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Sir, I support this Bill, But, at the same time, we have to see how best this Bill has served through the last 13 years. The Act was originated 84 years ago. There is a story associated with it. In the British Parliament, a boiler was about to burst. So the Members of Parliament came forward to initiate this Bill to protect themselves and also Parliament.

As the hon. Minister has mentioned, in 84 years, a lot of new inventions have come. We need not have inspection for every stage of production and designing. It is a market-driven economy we are living in. When this is the position the question is whether it is necessary to have so much of inspector raj, or whether it can be reviewed. This is the main issue on which I would like to draw the attention of the hon. Minister.

Also, Sir, the system which we are following nowby giving powers to the State Governments, to put their own inspectors and make proper inspection, is not at all satisfactory according to the hon. Minister and also according to reports. But, at the same time, the Concurrent List, Entry 37, gives the power to the State Governments. Now, the onus is on the State Governments to see whether the boilers are properly produced, properly transported from one place to another place, properly installed, and properly maintained.

No doubt, the Government of India has taken a correct decision that there should be a national-level body which can formulate rules and regulations when boilers produced in one State are taken to another State and installed there. That means individual States cannot have their own rules and regulations. They may be contradictory from one State to another State. Therefore, there should be a common law and rules and regulations which can guide these types of manufacturing and transporting one product to another place and make it useful for that particular State.

But giving it entirely into the private hands and multinationals, which are now become producer, is to be reviewed. First of all, we have to decide whether we are giving this as a product which is going to face competition in the market by its quality, best maintenance, and other things. Or are we going to have the same system of inspection which was in the field 84 years before by making every stage to be inspected by inspectors and once it is certified then only you can go to the next stage of production? That means we are making it a supervisory staff of that particular production unit paid by the Government. That is the thing which is happening.

I do not have the knowledge whether an aircraft which is being produced in a particular factory is inspected from design to the last level. There may be inspection at a certain level.

But it cannot be at every level, so that the Government can put an inspector who is going to work there as supervisor of that particular company and certify that this particular stage is correct, therefore, you can go to the next stage.

This method is contrary to modern thinking of allowing the people to produce a quality product at an appropriate time and see that the product is having maintainability and a purchasable thing in the market. The quality is important. Let the people compete with each other and find out whether there is a boiler which was produced in a particular company which met with any accident or never met with any accident or that it is accident-proof. Let them come out and advertise this and compete in the market.

I belong to the State of Tamil Nadu which is having one-third of the total boilers. From production to distribution to installation, everything is done there. More or less, one-third of the total Indian requirement is met by our State, especially BHEL in Tiruchirapalli. It is famous internationally. It is a Public Sector Undertaking. They are maintaining their reputation. But when we allow the multinational companies to have their own private inspectors, when, we are allowing them to make the cost more costly then the one which is now available. They will charge for the private inspectors; they will charge for their own purpose; and, finally, the product will be costiler and it will not be competitive. I, therefore, feel that there should be review on this aspect.

I would like to draw the attention of the hon. Minister to another thing regarding the judicial impact. When a Bill is brought before the Parliament, normally, we have a convention of making a statement as to what is the Financial Memorandum. In the Financial Memorandum, we used to say that there will not be any recurring expenses and that will be a minimum one. Here also, there is a mention. I hope it is a thing mentioned in 1984. It is not covering 1994; it is not covering the present cost. Sir, I will just quote that portion. It says, "The present expenditure on this office including salaries and allowances, etc. is per annum Rs. 5.5 lakhs approximately. It is proposed to recruit one more Deputy Director (Technical) and one Assistant Director (Technical) to strengthen this office. The total recurring expenditure shall be about Rs.7 lakhs per annum. The extra expenditure of Rs.1.5 lakhs is proposed to be met from the fee to be collected from the inspecting Authorities..." Now, the inspecting Authorities' fee is also going to be transferred to private sector. Sir, I am closing the quoting and commenting upon it. Sir, now, I am quoting the next line. Then, it says, "Therefore, there will not be any extra expenditure from the Consolidated Fund of India." Sir, I feel that it is not updated becuase it was made in 1994. Afterwards, two Pay Commissions have come forward with their reports, the salaries were increased and the staff was also increased. Now, there is a Central Board for this particular purpose. For them also, we have to incur the cost. Therefore, this is a misleading statement which is given in the Financial Memorandum.

Sir, I would like to stress upon two other aspects. The hon. Minister has come forward with a Bill, requesting the Parliament to consider punishment of a particular individual or a group of individuals penal punishment, that is, imprisonment. Section 25 lays down two years' imprisonment for an individual. That means, the case has to be prosecuted by a prosecutor; then, it has to be conducted before a Magistrate; and the Magistrate, if he finds the person guilty, can punish him for two years. Then, that person has to be taken to a prison. They have to feed him for two years. That prison has to look after maintenance. And, if they want to go for an appeal, the, there should be another appellate authority. For that, they have to incur the cost. If they wan to to go in for revision, the, it has to be looked after by the High Court; there should be a judge for that. If they want to apply for SLP, then, they will have to pay for the Supreme Court Judge. We are not at all worrying about these matters. We are

simply passing the Acts one after another and pushing the matter to the State Governments. The State Governments are not at all worried as to how they are going to incur the cost. Therefore, the final thing is, judiciary is burdened with 2.8 crore cases. Who is to bear the cost? Nobody is bearing the cost. The State Governments are not ready to incur the cost. Therefore, the hon. Chief Justice of India yesterday said in the media that nobody is worried about judiciary at all. It is also a development aspect. You have to find out that 0.002 per cent of your total cost of the Budget is incurred for judiciary. How can the judiciary be run like that? Sir, that is why, the committee on Law and Justice has already submitted its report to the Government. When the Bill comes here, you have to come with a Financial Statement where you have to say as to how much cases you are anticipating. We can very easily find out. Even for 100 years, we can find out what is the rainfall of a particular area. We can find out for the next 100 years, what will be the rainfall. We can very easily assess the human behaviour. We can get the data as to how many cases, for example, under section 25, have been filed in the last 20 years. It may be 2 or 3. But you have to come out with a calculation. How many cases ended in conviction? That means, you have to pay the money to a particular State Government to have a particular court for that purpose. Therefore, These calculations are totally missing in the Bill introduced in this House. We have to find out how much money we are spending for the Judiciary, how much money a Nodal department in incurring for that purpose, and how much money they require for this purpose, because when they are coming forward with a legislation, they anticipate that only by regulating by this method of making a law, we can h e a better society. Therefore, they have to be assessed cost-wise, how much they are going to incur financially. Then, that financial commitment has to be transferred to the authorities who are going to discharge that duty, who are going to perform that duty. Therefore, this particular aspect also has to be considered. An amendment has been given for making equal number of appointments for the purposes of representation. That is, the amendment moved by the hon. Minister is going to be No. 13 at page 10. For line 1, he has moved a substitution. Here, he is going to make equal number of appointments of persons, as mentioned in sub-section (b), for the purpose of representation. That means, the States are going to be represented in this Apex Body, a decision-making Body, which is going to make the rules. But the question is whether all the States, who are having boilers are to be represented there. We are taking away the power from the State Government. We are giving another power of inspection to the State Government. But, at the same time, we are making the law for the entire nation, which includes the States. Therefore, the representation of the States should be equal, and all the States should be represented there. Then only that committee will have a say and they can put their own grievances before that committee, and they can formulate proper rules and regulations. Therefore, if you allow the private persons to dominate there, then the multinational companies and their representatives will be dominating there, and they will find out the soft portion to have the escape route. Therefore, I hope that the hon. Minister will look after these maters, and at the time when the rules are made, he will make proper arrangement for that purpose. Thank you very much.

SHRI TAPAN KUMAR SEN (West Bengal): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity. Now, the Bill seeks to make certain structural changes in the system of inspection of boilers being manufactured and deployed in various segments of industries, vis-a-vis, the role of the State and the Centre. I think, this is one of the major objectives of this Bill. The second objective is, it also seeks to

introduce by changing the structure of mechanism, the private entities in the inspection mechanism, in the name of third party inspection and competent persons and so on and so forth. Thirdly, it also proposes to introduce a system of compulsory energy audit. I understand that these are the three basic components of the Bill that have been placed here. Now, I very much appreciate the point raised by the hon. Minister while introducing the Bill that this Act is of 1923. In between in the industrial scenario, a lot of changes are taking place, and so, it needs to be changed. Definitely, these changes are welcome provided that they are congenial to the basic purpose of the original Boilers Act, which is meant to ensure safety at the work place from the prospect or possibility of explosion, and definitely, many technical points are involved in that and to ensure safety, the kind of preventive inspection that is crucial, how can that be best utilised. To ensure safety at workplaces, to prevent explosion, I thank that should be best done where the boilers are placed, the systems of preventive inspections are located in an around and the authority is nearby, that is the place of the operation of the boiler where it takes place. I thank the amendment which is proposed to be made in this Bill for achieving certain things does not serve that particular purpose. Sir, changes are welcome if those changes are consistent with the basic objectives. I understand that the Boilers (Amendment) Bill that is placed here is not consistent with the basic objectives keeping in view the manner in which it has built up the arrangement for making changes in the existing Boiler Act.

Now, the Bill seeks to transfer the substantive power and authority from the State Boiler Inspectorates to the Central Government, particularly to the Central Boilers Board, and, more specifically, to the Technical Advisor appointed by the Central Government.

The boiler is meant for safety at the concerned workplace. That is, basically, the responsibility of the State Government. The Central Government, in the matter of boiler inspections, rendering the State Boiler Inspectorates virtually redundant, and this can in no way help in achieving the quality of inspection. Rather, more appropriately, the preventive inspection will introduce a peculiar dichotomy in the system. Request the hon. Minister to appreciate that introducing a peculiar dichotomy in the entire system would indulge in lack of accountability and mutual blame-game between the States and the Centre, and that would be a dangerous proposition in ensuring safety at the concerned workplaces. That is the basic objective of the Act. It is surprising that despite objections being made by a number of State Governments—these are all matters of record—I understand that six, seven State Governments, particularly where the boiler population is fairly high, they deposed before the Standing Committee in 1994; they had made scores of representations and objected to this approach in the Bill and requested for a change—the same approach of transferring the authority, a kind of centralisation of inspeciton power, unfortunately, is still very much prevailing in the Bill.

The Bill proposes to introduce a number of new provisions for a more rigorous inspection of boilers. Yes, this part is quite welcome. While the proposed rigorousness is quite welcome, these provisions along with the transfer of powers to Central entity and the introduction of a third party inspeciton—another problem—will impute complications in the inspection system, making it diffcult and hazardous for the

industry as well as for the agency to comply and thereby making the inspeciton more punitive, rather than preventive. I request you to concentrate on this aspect. We are making it rigorus; it is welcome. We are providing it for inspection right from the manufacturing stage, and particularly in a product like boiler, which is crucial, important, that once the boiler is made and put inuse, and if, at the manufacturing stagte, there are certain difficulties, definitely those are to be taken care of and prevented well in advance. So, from the manufacturing stage, the need of having an inspection is welcome. But along with the rigorousness, their implementation, the process of mechanism to implement the rigorousness in the inspection system, the kind of dichotomy along with a third party inspeciton, will create serious complications and inspection will become punitive and hazardous for the industry which is facing inspection, and also for the agency which is responsible for inspection and also for giving an okey, and thereby the boiler may be put in operation. The whole process will invite unnecessary complications making it much more difficult for the purpose of achieving the objective. So, there may be two possibilities. Under the newdispensation, what can happen? Either the inspection of small boilers up to 100 megawatts. which are much more in number compared to bigger boilers, will be neglacted or the new provisions being handled by the changed power structure will make the situation difficult, hazardous for the small entities to comply with, function and operate. In this background, introduction of private entities, again let me reiterate, will also give vent to the possibility of compromise in the quality of inspection.

[THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) in the Chair]: You will agree that bigger boilers, above 100 megawatts, have system of in-built preventive inspection. My friend, Mr. Natchiappan, has referred to the BHEL in Tiruchirappally. They produce boilers and turbines. From A-1 Phase the whole production process has got an automatic in-built mechanism for inspection at every stage and for a product like boilers that is very crucial and important. So, for the bigger boilers, and wherever these bigger boilers are produced, they are being exported-our country is now exporting boilers as a part of power plant equipment and machinery — have a system. The problem does not remain much in that area. The problem remains at the small and micro-level where a number of boilers are more. Now, the industrial activities are increasing and their number is also increasing. Now, we do not require a licence to set up an industry. So, even scrutiny has become very difficult. In such a case, these small boilers are accident prone. Inspection is much less on other aspects. In such a situation, if these are neglected, I think, that will create more problem for the people who are working with boilers. So, in these areas to avoid that kind of a system, I think, introducing this kind of rigorousness will create more problem. So, in the case of boilers that are being used in small and medium establishments I suggest that, particularly, inspection of this area should continue to remain in the absolute domain of State Boiler Inspectorates, both in terms of responsibility and authority without any dilution. It is a must for small boilers whose number is more to ensure safety. The Bill was drafted in the veil presumption.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA). Are you fininshing now?

SHRI TAPAN KUMAR SEN: I am finishing now. Please give me some more time.

The Bill was drafted in the veiled presumption of the inadequacies in the State Inspectorates to meet the needs of changing technology and business. Now this insistence on third party inspection is sought to be built up precisely with that logic. Sir, the presumption has been questioned by a number of State Governments which are matters on record. Moreover, the changing technology warrants updating the skills and competence of the functional State level inspectors and not throwing the baby with the bath-water. In the era of changing technology the inpectorates are there. Upgrading their skills and infrastructure is the need of the hour. Just for making that infrastructure redundant, because technology is changing, the private third party inspection comes in the picture. That can't be the logic.

I would like to bring to your notice the concern expressed by the Standing Committee in its 13th Report presented in this House on 29th March, 1995 on the sweeping powers sought to be assigned to a single technical advisor in the proposed new section 4A. Instead of concentrating the powers on an individual, it should have been conferred on the Central Boilers Act. All the States should be represented in the Central Boilers Board. The hon. Minister while introducing the Bill agreed to it. I would not like to go into the details.

The Bill also proposes a provision of energy audit. My suggestion is that the energy audit is the subject of Energy Conservation Act, 2001. That is the right place. That Act is also operative. In the Boilers Act also you are putting the provisions of the energy audit. Again, it will create the problem of dichotomy, one Act interfering with the domain of the other and rather creating problem for implementation. I think, it should also be changed.

At the end, I would like to say that the Bill was introduced in 1994. It was taken up for discussion in 2000 with a host of official amendments and, I think, with almost equal number of unofficial amendments. Now, again, in 2007, that has been taken up. It would have been bettter if whatever problems cropped up between 2000 and 2007 were sought to be addressed. To my information, in 2000, the character of official amendment that had been moved, remains almost the same, with some change here and there, in 2007 also. What does it mean? From 2000 to 2007, it was just kept like that. This defines the kind of urgency. I do not know what should you do. I have moved a number of amendments because official amendments are not sufficient to take care of the concerns just expressed by me. I request you to please accept my amendments. I would rather make this request more seriously, as my friend from the other side has requested. This is not a political issue. This is not a controversial issue. This is a technical issue relating to efficiency of the system. This system is of crucial importance because it involves lives, safety of lives and the number is intreasing. Instead of taking it up in that fashion, in this official and unofficial amendment-ridden form, I request you to please reconsider it and have further consultations with the State Governments. I think, it is possible to arrive at a consensus of these areas. Let us do it. Let us make a serious exercise and bring a revised Bill. After its introduction in 1994, it was taken up in 2000 and then again in 2007 which shows the character of urgency of this thing. If it could wait for so long, it can wait for some more time. Please redraft it and place it here. At the end, I seriously object to the

official amendment No. 14. Others can be accommodated here and there. But official amendment no. 14 in clause 32— sweeping powers empowering State Governments — here also more powers are being given to State Governments — but we do not like to empower any Government in the way that the State Government will be empowered to exempt any boiler from the purview of the Act altogether. That kind of blanket power should not be assigned to any Government, whether it is the State Government or the Central Government. I have spcific objection to that particular amendment. Thank you.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Shri M.V. Mysura Reddy; you have three minutes.

DR. V. MAITREYAN (Tamil Nadu): Sir, Shri Malaisamy has to speak.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): He will be called.

DR. V. MAITRYEAN: The order has been changed. That is why I am objecting to it.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): He has just entered. He can speak after Shri Mysura Reddy.

SRI M.V. MYSURA REDDY (Andhra Prdesh): Sir, I am of the view that this is a piecemeal Bill. If you see the Statement of Objects and Reasons, it speak volumes. I would like to bring to The notice of the hon. Minister that in Europe, in developed countries like the USA, boilers are only designed. There is no question of manufacturing boilers in those countries. But in our country, in Tamil Nadu, Andhra Pradesh, Maharashtra and some other places, boilers of 500 magewatt capacity were designed and manufactured and exported to other countries without any complaints. But, time and again, they are coming up with fresh regulations. Basing on the technology and designs, they are issuing regulations. But in the Statement of Objects and Reasons, it is written that many of the provisions of the present Act have become out dated. Sir, I can say one thing, with all humbleness at my command, that the provisions are not outdated, but the Bill is outdated. The second thing which is being stated is about the discretionary power used by inspectors of Boilers of the States to allow deviations raised in inter-State disputes, and the fact that the boilers manufactured in one State are not registered in the user State, as a result of which the users suffer. This is not true. It is learnt that in Andhra Pradesh, 3000 boilers were purchased from Maharashtra and Tamil Nadu. But there is no case pending for want of registration, or, there is no complaint that has been made. In fact, the Tamil Nadu Manufactures' Association gave a certificate stating, "Under the existing set up of the State Boilers' Directorate, we are getting their timely services for inspection of our boilers at a very nominal inspection fee and even in odd hours and on emergencies." That is why I am saying that whatever has been stated in the Statement of Objects and Reasons is not true.

Regarding post of Technical Advisor, it appears to me that this Bill was brought for the sake of Technical Advisor himself. When I talk about the man, who was behind this Bill—of course, I do not know whether he is retired or he is there, whether he is inside or outside the Board—but he wanted some legal sanctity for the post of

Technical Advisor. For this purpose, this Bill has been brought. It is nothing more than that. Why I am saying this is that in the Statement of Objects and Reasons, they have stated that the Committee had recommended for the post of Technical Advisor. I would like to bring to the notice of the hon. Minister the recommendation of the Parliamentary Standing Committee; in para 8.8 they have said, "the Committee is equally concerned over the sweeping powers proposed to be conferred on a single Technical Advisor under the suggested new Section 4(A). Instead of concentrating the powers on a single individual, it would appear better to entrust such powers to the Central Boiler' Board". This is the recommendation of the Parliamentary Standing Committee. But they have not included the recommendation of the Committee. Without including that, the Bill has been brought before the House. Regarding Members appointed to the Board, it states, members other than those nominated, shall not exceed 20 to represent various agencies; like, the Central Bureau of Indian Standard, Boiler and Boiler Component Manufacturers, National Laboratories, Engineering Consultancy Agencies, User of Boilers. Sir, we have also proposed some amendments. Now, this is a decision-making body, But if some persons are nominated from private agencies, this will not be in interest of the general public. So we suggest that they should, at least, not have the voting power or a right in decision-making. We can take the views of these people, but they should not be given the voting rights to these people in decision-making. That is our suggestion.

Regarding competent person and inspecting authority, the doors are open to the private agencies. Lloyds, Bureau Vereitas, TUV, Mittal are all the private agencies, and we are giving them the permission. Sir, regarding their competence to issue this certificate, I wish to bring one instance to the notice of the House. One agency, Messrs Mittal, had given a certificate and in that certificate they had mentioned, "The manufacture is solely responsible for thorough inspection and quality of the material, *i.e.*, chemical composition, soundness, surface conditions, dimensions". It is a multi-national compony which has given such a certificate.

Sir, when they have not taken any responsibility for quality and say that only the manufacturer is responsible for it, then, why should we have the inspecting agency issuing this type of a certificate? There is no use giving such huge power to these people. It is just like when there is already free food being served in a *choultry*, an Aiyangar comes and makes a recommendation for free food to be given to somebody. There is no need for such a recommendation. So, when the manufacturer is already responsible for the quality, what is the need for such a certificate from a private agency? We are opening the doors to such people by bringing in such an amendment. I would request the hon. Minister to consider it seriously.

Sir, before bringing forward this Bill the States were not consulted. There were official and non-official amendments. As my colleague, Shri Tapan Sen, has mentioned, the Bill was introduced in 1994. It was again brought here. It went to the Standing Committee also. The Standing Committee's recommendations have not been reflected in the Bill. There are a lot of lacuane there. Sir, it is a State Subject. Taking away the powers of the State is not advisable. That is why are requesting that this Bill may again be sent to the Standing Committee or a Select Committee to see to it that the Bill is brought forward in a proper shape and form for the betterment of the people. Through this Bill, we are throwing the entire regulatory mechanism into the private hands. If that is not possible, we would like to propose certain amendments and it is requested that those amendments may please be carried on in the Bill. That is the opinion of my party. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Dr. Malaisamyji. Don't be impatient. You have full five minutes at your disposal.

DR. K. MALAISAMY (Tamil Nadu): Sir, it is m y sheer luck that you happen to be in the Chair whenever I get an opportunity to speak in this House. I feel at home and more comfortable!

Sir, I speak on behalf of the AIADMK party on this Bill. But I am very much inclined to speak in Tamil, my mother tongue, which is a polished, sweet, unique, ancient and a classical language. The Chair may understand that the entire team to AIADMK and all Tamil-speaking members wanted to raise an issue that this House is handicapped for want of a Tamil Interpreter. In spite of the fact that we have raised the issue a number of times, we are not able to get it done.

SHRI SHANTARAM LAXMAN NAIK (Goa): Sir, we had also asked for an Interpreter in .....*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): You turu would also come. You will be given full opportunity *(Interruptions)*.

DR. K. MALAISAMY: Sir, the House is handicapped for want of an interpreter, not just for today, but for eleven months. The post has become vacant eleven months back and we had been trying our level best get if filled up but in vain. The authorities concerned are saying that they have advertised for the post. I would like to know in which newspaper they have advertised, when they have advertised, whethey they have exploited the potential area. We are again told that this matter has been referred to the General Purposes Committee. This is a permanent post and I would like to know the reasons why it is referred to the General Purpose Committee. Only in cases of fresh sanction it will go to the General Purpose Committee. I am further told that even the advertisement is only for a part-time interpreter. Who will come for a part-time job? This is the background under which I would like to speak in Tamil. I want to put it on record.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : No, It cannot come on record, that is what I am telling you. Please listen to me. The rules say.....

DR. K. MALAISAMY: I am trying to bring to the notice of the House.....

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : Sir, give me a chance to explain to you that problem. *(Interruptions)*.

DR. V. MAITREYAN: Sir, this is a hot boiling issue! *(Interruptions)*.

DR. K. MALAISAMY: Whatever the authorities are trying to say..

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh): It is not just Tamil interpreter; even a Telugu interpreter is required to be filled up. ...*(Interruptions)*.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I do not have extraordinary powers to listen to too many people at a time. Malaisamyji, please listen to me. You cannot raise an issue of the secretriat in the House. Number one. *(Interruptions)*.

DR. V. MAITREYAN: We are handicapped because our people are not able to speak in Tamil! *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Will you bear with me? *(Interruptions)* I have full sympathy. I can understand. *(Interruptions)* I am anguished; I do not

know whether it is happening to you from Tamil Nadu or to others also; the point is, We have to follow the rules. You can go to the Chairman and talk to him. But we cannot raise this point in the House. I do not want....I said, you go to the Chairman and talk to him. *(Interruptions)* I am drawing your attention to the rules. I am not above rules not are you above rules. ...*(Interruptions)*..

DR. K. MALAISAMY: Mr. Vice-Chairman, Sir, do you want us to come to the well of the House and start shouting? (*Interruptions*) We are a disciplined force. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): No, I do not want you to do that. Definitely not. I also know that you will never do it. (*Interruptions)*

DR. K. MALAISAMY: sir, you are a well-informed Vice-Chairman. We thought, by bringing this to your notice, you will bring this, in turn, to the notice of the particular forum. That is how we feel.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I said I have full sympathy with you. I want to support you fully; but there is a procedure which you have to follow. (*Interruptions)* Please continue with your main speech on the Boiler Bill. That is also boiling.

DR. K. MALAISAMY: Sir unless this is done within a time-frame, as quickly as possible and as early as possible, something is going to happen in the House. We are pretty serious about it.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): No threating, I will report this to Mr. Chairman also. Do not worry about it. (*Interruptions)*

DR. K. MALAISAMY: We are so many people speaking Tamil and we are totally handicapped to speak in Tamil. Now, coming to the point,

(The Hon. Member spoken in Tamil*)

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Just a minute. I want to help you. *(Interruptions)*..... It is neither being recorded nor I can know what you are talking. ....(*Interruptions)*....

DR. V. MAITREYAN: It does not matter. ....(*Interruptions)*....At least, it will go unrecorded. ...(*Interruptions)*....

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Then you can speak for five minutes. ....*(Interruptions)*.... What can I do? ....(*Interruptions)*.... It is not being recorded, I am telling you.

DR. K. MALAISAMY: Hon. Member spoke in Tamil.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I hope you are using only parliamentary language.

DR. K. MALAISAMY: (Hon. Member spoken in Tamil.)*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Malaisamyji, have you given notice to speak in Tamil? (*Interruptions*)... The rule says ...(*Interruptions)*...

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*Not recorded.

DR. V. MAITREYAN: You cannot talk of rule like this...(*Interruptions*)... You should understand our anguish. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Do not threaten. ...(*Interruptions*)... I am only trying to help you (*Interruptions*). You are only threatening and threatening. ...(*Interruptions*)... Let me explain to you. ...(*Interruptions*)...

DR. V. MAITREYAN: It is our right to speak in Tamil. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I want to save your right. ...(*Interruptions*)...Please listen to me first ...(*Interruptions*)... I am on my legs. What I am trying to say is that if you had given notice one hour before, we would have made some arrangements from Lok Sabha or somewhere else. (*Interruptions*)

DR. V. MAITREYAN: In eleven months they could not make any arrangement. In one hour, how do you expect this? ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I am only telling you that at least in future you give notice. After that it is our problem, the Secretariat's problem to arrange it. ...(*Interruptions*)...Forget about it whether we have it on the rolls or not. ...(*Interruptions*)... I am trying to help you. ...(*Interruptions*)...

DR. V. MAITREYAN: The hon. Member will speak after one hour. He will give notice to the Chairman now. ...(*Interruptions*)... He will do it after one hour.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Please do it. ...(*Interruptions*)... There is another Bill coming. ...(*Interruptions*)... I agree but this Bill will not continue beyond an hour. So, on any other Bill you better speak and give prior notice. ...(*Interruptions*)... We will try to help you in this regard. I am trying to help you and you and you do not want to be helped. What else can I do. Go ahead. Now you use whatever language you want but i am telling you that it is not being recorded. I am not able to understand anything; I hope you are using the parliamentary language. ...(*Interruptions*)...

DR. V. NAITREYAN: There if nothing unparliamentary in Tamil. Whatever unparliamentary happens, it is only in English. ...(*Interruptions*)...

DR. K. MALAISAMY: Let me have the maximum satisfaction that I could speak in Tamil, which I wanted to. ...(*Interruptions*)...

DR. E.M. SUDARSANA NATCHIAPPAN: At least, it can be recorded audio and video. Translation can be done when it is over. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Have you completed, Malaisamyji?

DR. V. MAITREYAN: He has not yet started, Sir. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): How many times do you want to start? ...(*Interruptions*)... No interruptions, please. ...(*Interruptions*)... I am not going to listen. Let him complete.

DR. E.M. SUDARSANA NATCHIAPPAN: Tomorrow it can be*.

THE VICE CHAIRMAN (SHRI SANTOSH BAGRODIA): About tomorrow we will talk tomorrow. Let us talk about that is going on right now. Malaisamyji, address the Chair. ...(*Interruptions*)...

DR. K. MALAISAMY: to concede....

*Translated into Tamil.

DR. V MAITREYAN: Sir, when we speak in English, the words come from my mouth. When we speak in Tamil, the words come from my heart.

DR. K. MALAISAMY: Sir, to concede the request of the hon. Chairperson and the non-Tamil speaking Members, I am inclined to make my presentation in English.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Thank you.

DR. K. MALAISAMY: Sir, you have to be extra considerate in alloting time but not for five minutes. I will speak as quickly as possible but at the same time, interference here and there should be deducted from the time given.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Okay, I request all of you not to interrupt for five minutes. We start at 2.25 p.m.

DR. K. MALAISAMY: Coming to the Bill, Sir this is an age-old Bill as introduced in the Rajya Sabha as early as on 13.5.1994. Then, it was rightly referred to a Committee on 19.5.94. You are the Chairman of a Committee and I am also in the Committee. I know what the Parliamentary Committee is doing, in fact, how you go into the intricacy of a problem, how you read in between lines and every detail is gone through and ultimately a report comes. In this particucular case, it was rightly referred to the Parliamentary Committee and the Parliamentary Committee had 16 sitting and they listened to all witnesses and they examined all the officials from the State Government and the Central Government and with that they came out with a beautiful report in the year 1995 and they have given their recommendations. But, it is yet to see the light of day. From 1995 onwards, it was lying unimplemented. The Parliamentary Committee is a mini-Parliament because the entire Parliament cannot take care of each and every issue and that is why the system is to refer to the Committee which can afford to go into the details and come out with recommendations. Normally, the Parliament in *toto* will agree with the recommendations of the Committee. Very rarely, they will deviate; they will modify one or two things marginally, not totally. In this particular case, Sir, you will surprised to hear that the Parliamentary Committee's recommendations have been totally thrown off. I am sorry to say that the Parliamentary Committee has been insulted and it has been undermined. When a Committee has been appointed it should be respected, it should be regarded. On the other hand, it is undermined; it is insulted. Sir, I will try to explain how the Committee's recommendations have been largely differed in the proposed amendment, Sir the Committee suggested in para 8.12 to exempt the boilers which are below the capacity of 50 megawatts from the ambit of provisions proposed, whereas no change is proposed as per the present amendment. secondly, Sir, para 88, mentions about the sweeping powers conferred on the single adviser under proposal Section 4(a) and suggested to invest the same in the Central Boiler Board. The Committee has reservation over the sweeping nature of authority proposed to be delegated under Clause 27 of the Central Boiler Board in general, and to the technical adviser in particular. Whereas what has happened in the present Bill is that Section 4 (b), 4 (c) and 4 (d) are omitted but the crucial section 4 (a) is retained against the wishes of the Committee. Thirdly, Sir the Committee opposed in para 8.11, the compulsory imposition of third party inspection authority and suggested that it should be at the option of the States. that is the recommendation of the Committee; whereas, no change is proposed by the present proposed Bill. Fourthly, as per para 8.16, in the composition of the Central Boiler Board, the representation of the States should be universal as at present. But, unfortunately, all the States given, representation but the enhanced representation of the other Members to the equal to the number in chief inspectorate. On the other hand, it is told that the private members are likely to be more than the official members. The last point on this, Sir the Committee suggested

consultation with Ministry of Labour before drafting the amendment Bill for addressing concerns of welfare and safety of the workers working in and around the boilers. Whereas, there is no mention about consultations. What I am trying to say is that there is a total violation, variation, difference and deviation from what has been recommended by the Parliamentary Standing Committee on the one side and what is provided here on the other. This is the point I want to make here.

Sir, I am told, through the proposed amendment, the inspection can be done by private agencies and multinational agencies. In the light of this, I am inclined to know from the hon. Minister how is he going to ensure the accountability if private agencies are involved?

Sir, I have reservation regarding the composition also. When the private members and the agencies are more in number, how any decision is going to be taken judiciously? When you have more private members, they will have majority-say in any decision. They may say, 'unanimity is there.' The Bill also says that export of boilers will go up and the waiting time will be reduced. It is not correct. Whoever speaks in favour of the Bill it is not well-founded, but is ill-founded. Sir, now, the Inspectorate charges only Rs. 5,000 per MW inspection. But, when you introduce private agencies, it is going to be Rs. 1 lakh to Rs. 2 lakhs per MW. With the result, Rs. 20 crores to Rs. 200 crores is going to be jacked up and placed on the head of the manufacturers. What will happen then? Then, the manufacturers will, automatically, raise the price of boiler and the market value of boiler which is sold at a lesser price will go up like anything. This is what is going to happen if this Bill is passed in its present form.

Sir, they say that the export will go up. It is not true. According to me, since it does not come within the ambit of the Bill at all, how export is going to be increased? How can they say that export will go up? So, it is ill-founded. What I am trying to say is, as has been rightly pointed out by the previous speaker, this Bill should not be passed in its present form. On the other hand, I demand that it should be referred back to a Committee constituted by the House and the Bill should be scrutinised threadbare. I am told that the propsoed amendment is the handiwork of some very high-level multinational agencies and private people. So, the Government should not yield to the pressure and influence. I can quote the people behind this. Lloyd, TUV, etc., are reported to be behind this Bill. These are some of the players who are behind this. I would say that any legislation should not be the handiwork of private people. On the other hand, the public interest should be taken care of. So, I demand that the Bill again be referred back to the Committee. If technical developments have taken place, training to our men can be given and they can do better than the private people from abroad. In America and other places, our doctors, engineers, etc., are appreciated. They are so good in everything. In such a situation, India is not lacking in manpower or skill. India afford to do anything. So, I request the hon. Minister that private agencies and multinational agencies need not be depended too much.

With these few words, I conclude. Thank you

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, with a few suggestions for the Minister to consider, I rise to support this Bill, Before going to the Bill, I would also like to express, through you, that our representation made to the Chairman, long ago, to appoint an Interpreter for Members who want to speak in Tamil, has not been taken into consideration. Recently, some Interpreters have been appointed for some regional languages in the same Secretariat. So, our sentiments should be understood. We hope, this will be taken seriously which has not been taken so far.

Coming to the Bill, the Indian Boilers Act was enacted in 1923 to provide for th safety of life and property of people from the damage of the explosion of boilers during use. For the

past 84 years, this Act has been effectively implmented by the Inspectorate of Boilers. As my colleagues have earlier spoken here, my State, Tamil Nadu, is contributing to nearly 60 per cent of the total industrial boilers that are manufactured and 90 per cent of the total boilers, especially in Trichy, which is having the BHEL, have not reported even one accident all these years. There may be one or two accidents here and there. But it cannot be said that serious incidents have forced to bring forward this amendment Bill. The significant technological developments, has led to the amendments made in this Bill. One or two of the reasons, cited by the Ministry, are not agreeable. For example, in paragraph 2 of the Objects and Reasons, it says, "Since significant technology developments have taken place, world over, in large capacity up to 500 MW, boilers are now manufactured within the country according to latest international standards. Many of the provisions in the present Act have become outdated". The Indian Boilers Act, deals with the administrative part of it, while the Indian Boilers Regualtions are concerned with the technical part of it under section 28 of the Indian Boilers Act, the Indian Boilers Regulations Act is amended at regular intervals; hence, there is not question of outdating of any provisions of the Act. For emample, 500 MW boilers are being manufactured in India for the last 25 years, and under the inspection of the State Inspectorates those boiler are running successful throughout India. Then, in paragraph 3, it says, "The discretionary powers, used by the inspectorate of Boillers of the State to allow the deviations raise inter-State disputes, and the boilers manufactured in one State are not recognised in user-States due to risks that users suffer." Sir, this cannot be taken into account for there have been no inter-State disputes, as stated in Paragraph 3. The relevant provisions of the Indian Boilder Regulations are quite enough for the registration of boilers in any State, which are manufactured in other State. So far, no boiler has been denied registration on the ground of dispute between the States.

Sir, as my colleagues have pointed out, the recommendations of the Standing Committee, which have been meticulously drafted, have not been fully implemented. And, the suggestions of the State Governments, which are going to be the worst sufferers, have also not been taken into consideration. There are some apprehensions, as my colleague, Mr. Sen, pointed out. The coming in of the third party agencies or the alternate agencies or the private parties is not giving full hope to the users of baby boilers. Inspections, during the manufacture of boilers, is currently being carried out by the Inspectorate of Boilers of the States at a nominal fee of Rs. 5000 per megawatt, whereas private inspection agencies charge a heavy fee, which may amount to one lakh. This apprehension has to be removed by the Minister. Sir, I would like to put forth certain suggestions one by one for the Minister to take into consideration other then the amendments, which we have given.

Sir, commensurate with the principle of federalism and decentralisation of powers, the State Government have a fair and legitimate chance in the legislative activities, and this subject of boilers comes under the Concurrent List. The main recommendation which the Standing Committee has given and which the Ministry has not taken into consideration is that the competent persons may be considered or recognised only for power stations more than 50 mega watt capacity for inspection in use for safe operation and efficient maintenance of power stations in order to minimize shut down time. The recognition of competent persons may be given to the State Governments. Sir, inspection of boilers below 50 mega watt could be vested with the present Inspectorate of Boilers. Sir, this would provide them future employment opportunities. So, I would like to suggest that since this inspection involves very, very sensitive part of our life, the private parties which are going to be engaged in this should have very keen and very meticulours approach in the appointment of inspectors. In the present engineering courses, there is no separate course for boilers. So, all those Inspectors, who are going to be appointed by the other parties should have, at least 5 years experience in boilers

because they are going to inspect boilers, which have capacity more than 50 mega watts. So. Boilers Inspectors should be qualified in Mechanical Engineering, Post Graduate Degree and disciplines relevant to boiler technology, and trained in the relevant field of boilers.

Sir, I would like to thank the Minsiter for having included all the Chief Inspectors of Boilers because that was the amendment given by many of us. When you restricted the participation of the State Governments representatives in the Board, when it was minimised, and the other persons were brought to the equal number of the State representatives, we have.....

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): You have to finish now, You have taken a longer time. You have more time than was allotted to you.

SHRI TIRUCHI SIVA: Sir, I would like to make one or two points which are very essential.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): You finish in one minute.

SHRI TIRUCHI SIVA: The State Governments had the apprehension that one or two State Governments may be denied the opportunity of being a member in the Board. But, now, since the Minister has come forward that all chief Inspectors will be members, Subsequently, other members in the Committee, who are from the experts side, should have an equal responsibility becuase they are not accountable to any explosion which may occur in future.

So, the views of the State Governments and their suggestions may be obtained before enacting this Boiler Act. These are the suggestions which I would like to make to the Minister, especially, the power of the State Government, which have been usurped by these amendments and will be slowly and silently grabbed by the Central Boilers Board. The Central Government usurped certain powers of the State Government to make rules like accident enquiry, more particulalry, Appellate Authority, prescribing qualification of Boilder Directorate officials, and the rules of boiler operators and engineers. Sir, I suggest very much that the appellate authority should remain with the State Governments because small users of boilers cannot go to the Central Government for each and very appeal. Thank you, sir.

SHRI SHANTARAM LAXMAN NAIK (Maharashtra): Mr. Vice-Chairman, Sir, at the outset, I would like to share the sentiments expressed by Dr. Malaisamy and I would also like to say that for Konkani language also, an Interpreter must be appointed. Sir, I would like to refer to your observation when you said that matters of rule cannot be raised in the House. But, sir, this is not a matter of rule, this is a Constitutional right. The moment a language is included in the Eighth Schedule of the Constitution, concerned Members have a right to have an Interpreter here. So it flows down from the Eighth Schedule of the Constitution, not from any rules. Therefore, every Member is entitiled to raise the issue of interpretation.

Sir, I stand here to support the Indian Boilers (Amendment) Bill, 1994. If we trace the history, we will find that introduction of famous James Watt's improved steam engine from 1769-1775 onwards resulted in great improvement in steam plants. This is the history right from 17th Century onwards. Following the Bengal Act of 1864, each of the other provinces framed legislations. In 1920-21, the Boilers Law Committee, was the first to review the Boilers' laws on a national scale, and submitted its Report in March 1921. Thereafter the present legislation was born.

Sir, one general point I would like to submit with respect to this Bill is this. In all the legislatins, which were enacted prior to Independence, we still go on making amendments to

them. It is not that we have not updated this legislation; many of these legislations have been updated so as to make them new. But people still feel that we are carrying on with the laws framed by the British Government, although we have made amendments, to a great extent, to many of out Bills. Therefore, in principle, I would appeal to the Government of India that in case of all those legislations, which were passed during the British regime, the entire legislation should be replaced, including the Indian Penal Code and no amendment should be carried out. Although we have made amendments to the Indian Penal Code to a large extent suiting to the current situations, this principle should be adopted. Secondly, Sir, while the Government is carrying out so many amendments, I would only express a note of caution that when, ultimately, the Act is printed, I hope all the amendments which are carried will be properly incorporated in the printed version. I am just expressing a note of caution. A Committee has to be constituted to see whether all the amendments carried have been properly incorporated in the printed version.

Then, Sir, as far as the aspect of safety of boilers is concerned, it has to be seen in the larger perspective these days. It is not only a question of safety of the workers who work there, or, their establishment, it is also a question of the safety of the people living in the surrounding areas. Safety of boilers is resteicted not only to the factory but also to the locale place where boilers are situated. So, we have to see this aspect from that angle also. The safety of boilers has to be looked into from the terrrorists' angle also. People may join any establishment only for the purpose of exploding a boiler. One cannot rule out that possibility.

Then, Sir, section 5 of the Act is being amended. Sub-Section 4 is being added wherein powers of Inspectors, Deputy Inspectors, etc. etc. are to be prescribed. Similarly, section 4(a) is sought to be added in which powers of technical people are to be prescribed. Sir, I would like to make a humble submission that if these basic rules are yet to be prescribed, what are we discussion? We are discussing only 30 per cent of the legislation. The powers of Inspectors, Chief Inspectors and technical persons are yet to be prescribed. We don't know what they are, and that is the should of the legislation! Sir I am not referring only to your Ministry. This has been the trend in most of the legislatins nowadays. You leave almost seventy per cent powers to the rule making authorities, and we only discuss here thirty per cent of the law. Therefore, Sir, I submit that today we are not discussing the real amendment. We are discussing only the limited thing. All the rules will be made thereafter. This aspect, Sir, has to be reviewed not only by his Ministry but by the Government of India as a whole.

Then, You are saying that you have increased the fine from Rs. 100 to Rs. 1000 and from Rs. 1000 to Rs. 1 lakh and so on. Sir, what is this? In the present scenario that is prevalent in factories, etc., and the violations involved, these monetary punishments, according to me, are nothing. These punishments are peanuts. Therefore, you have to look at it from that point of view, the overall monetary transaction involved, the goods involved and so on. In such a case, Sir, those who want to commit mistakes or who want to default will be very glad to see the kind of punishment prescribed here.

Then, Sir, as far as the provision regarding exempting boilers is concerned, where is the guideline? There is a provision. You can give blanket powers to State Government or any authority. If powers are given to exempt, Parliament doesn't know anything about it; Parliament doesn't know in what circumstances, those powers can be exercised. We are totally in the dark. The rule-making authorities will then lay down the guidelines and state under what circumstances, that can be exempted. Again this is not a correct trend as far as legislative drafting is concerned. More and more powers that are to be given have to be specified in the Bill itself.

Then, Sir, I come to the modalities of inspection. Sir, if inspections are tobe transparent, then these have to be conducted through the modern electronic mechanism. Everything that is detected there must be recorded on the computer. First, the flaws that the Inspector or any other party sees must be recorded there. Then, his observations, etc., should be recorded. Otherwise, what happens at present is that the Inspectors come and say, "this is wrong, that is wrong", and they ultimately do whatever they want to do. That should not be there. Today, it is possible to record everything with the help of the electronic systems which are there. Therefore, every stage of inspection by any authority under the law should be recorded through the electronic media so that if any authority transgresess its power as far as inspection is concerned, it will be known.

Then, Sir, the provisions of the Prevention of Corruption Act must be enforced in such cases. Sir, why I am saying this is because in a majority of the cases, the corruption takes place. Unless you ensure that there is somebody who is keeping a watch on all these things, the acts of the third party who is going to inspect, the acts of Inspectors, Chief Inspectors, will be free as before. Sir, somebody was mentioning about the rehabilitation of these Inspectors, Deputy Inspectors, etc., in case they go out of job, I think, perhaps, they will not mind it. The Inspectors and Deputy Inspectors in the present scenario will not mind even being kicked out of the job. I hope I am making myself clear on this point. Therefore, Sir, the provisions of this Act have to be applied here.

Then, Sir, the issue is whether these third parties, whether they are multi-nationals or others, are covered under the Prevention of Corruption Act. What action can you take against these people in case they connive with the owners of these factories? As far as Inspectors are concerned of course, they are public servants, so, they are covered udner the Prevention of Corruoption. It is clear. But, frankly speaking, I am not aware whether the law of the land, namely, the Prevention of Corruption Act, will apply to this authority, If it is not applicable, Sir,something should be done to cover these authorities, With these submissions, Sir, I support the Amendment Bill. Thank you.

SHRI SANJAY RAUT (Maharashtra): Sir, this is a very important Bill. It is not a political issue, as our colleague has also mentioned, but a technical issue. Some hon. Members have said that it is an outdated Bill. It may be an outdated Bill but the boiler industry is not outdated. This industry gives bread and butter and employment to many people in Maharashtra and other States. So, we have to take care of this industry.

Sir, the first Indian Boilers Act was introduced eighty-four years back, in the year 1923. The aim of the Act during the British Raj was only safety of operations of boilers and protection of lives of workers employed in these units. In the last eighty-four years, there has been tremendous progress and change in technology and industrial development. At present, the turnover of boiler manufacturing industry is between fifteen and twenty thousand crores of rupees. India is also exporting boilers and earning precious foreign exchange to the tune of about Rs. 2000 crores. This shows that our engineers and entrepreneurs have achieved skills and capacity in manufacturing boilers and its ancillaries.

Sir, the new era of globalisation emerged and the policy of liberalisation was introduced in 1991. The aim of liberalisation was to end the Inspector Raj so as to achieve faster industrial growth. Though that was achieved in the other sectors of industry, unfortunately, it was not the case with the boiler industry even after 16 years of the new policies since 1991.

Sir, who are the string-pullers who opposed amendments to the Indian Boilers Bill, 2007? The main opposition comes from bureaucrats because of their monopoly in the inspection of boilers at various stages of manufacture. In the absence of a single appellate authority provided

by the Indian Boilers Act, the attitude of bureaucracy has aided corruption in this sector. Sir, I will cite only one example to emphasize my point. A meeting of all the members of the Central Boilers Board was held on 18th April 2007 in New Delhi. If you look at the participants, out of the 25 members who attended the meeting, a large number comprised of Directors of Boilers of different States. In fact, this board in a totally unbalanced set-up where the Directors of Boilers are 23, while representatives of manufacturers of boilers have an insignificant representation on this Board. There is also an interesting point with regard to the set-up of the committee. Many a time, the members from manufacturers of boilers come from some major manufacturing industry; I will call them the big fish of the industry. Sir, these representatives protect the interests of only the bigger industries and totally neglect the interest of upcoming and talented entrepreneurs of the country. In fact, I suspect that these old-fashioned manufacturers join hands with bureaucrats and hamper the progress of small and young entrepreneurs.

The main demand of the Indian boiler manufacturers is the privatisation of the inspection process and bringing it at par with international standards of boiler inspection. This will certainly boost export of boilers. In international practice, private inspection agencies are trusted and accepted for boiler manufacturing and design of boilers, inspection at manufacturing stage and conducting of steam-state inspections before issuing final approval. At present, these works are carried out by Government agencies of different States under Directors of Boilers of different States. Sir, this has led to corruption in boiler manufacturing industries. Interestingly, one member of the Central Boiler Board, and also the Director of Boilers of one State, who eventually attended meeting on 18th April was caught under charges of corruption and is now under suspension. It is also interesting to note that the same gentleman is the important office bearer of their association. Lastly, Sir, I would like to draw the attention of the House to the fact that the countries importing boilers from India do not accept certificates given by the present Government authority and insist upon an internationally accepted private agency's certificates. Hence, the Indian boiler manufacturers are bound by State Governments inspection agencies for Indian market and international inspection agencies for export market. This is a clear case of discrimination. I, therefore, appeal to this august House to give serious thoughts to the present Bill which will fulfil the aspirations of the younger generations who wish to compete in the world market of boiler manufacturing. Thank you.

SHRI PYARIMOHAN MOHAPATRA (Orissa): Sir, I rise to oppose the Bill as the Bill seeks to erode the powers of the State Governments and also is aimed at privatisation of a function which can easily be done by the State Governments. The hon. Minister while moving the Bill talked of corruption among the inspectors of the State Governments and States having inadequate number of inspectors. These are the reasons. But corruption is something which is prevalent all over, both in Delhi and the State capitals right down to the village functionaries. You cannot take away corruption by bringing it to Delhi. You are only centralising corruption. As regards the deficiency in the staff, the Centre can do two things by amending the Bill: first, provide adequate training to inspectors; and then the Centre can give adequate funds to the State Governments for the purpose of increasing the number of inspectors. I am in agreement with most of my colleagues who have spoken earlier. They have mainly talked of the Central Government taking away the powers of the State Governments. There are plenty of clauses which have been introduced and which talk vastly of Centre acquiring these powers and it was mentioned there was hardly and consultation between the Centre and the States. Hon. Minister himself mentioned that most States have not agreed to these amendments. The hon. Minister talked of representation to each State in the Board. I find from the Bill that only 15 members from the State Governments will be chosen and they will be chosen by the Central Government. Even rotation has not been mentioned. So, the Central Government can ignore the States

which are not friendly towards it. Then, these Technical Advisor which have been mentioned by most of my preceding speakers. Through the system of delegation from the Central Government and from the Board, unlimited powers could be given to the Technical Advisor and this gentleman, if somebody is a Minister, could operate straight through the Chairman of the Board who is the Secretary of the Government to centralise corruption and dish out favours. The appellate authority under the original law was appointed by the State Governments. Now, you want to appoint them from here. What is the big deal in it? Why do you want to appoint Appellate Authority from here? Just because you can keep this system under your control and exploit it!

Somebody mentioned about the exclusion. The power to exclude certain boilers from the scope of the Act is there under Section 34. At present, this power is with the State Governments. If you are shifting because of corruption, how will it improve matters? Do you think your officers are coming from some foreign country? They belong to this society, and, Sir, corruption is a disease, which has spread throughout the society. Sir, why should there be exclusion at all? This is another question. In the name of industrialisation, exclusion has been put in the Bill in the year 1923. Do you feel that because of industrialisation, exclusion ought to be done?

I support you when you speak of raising the fine to rupees one lakh under section 25. But as far as section 24 is concerned, please reconsider it; two years' imprisonment and a fine of rupees one lakh seems to be very harsh.

In the end, once again, I appeal that this tendency — which has been going on for the last fifty years, that is, after the first decade since Independence — of arrogating powers of the States, and, ringing the death knell of federalism. Will you please stop it? You had, at one time, same party at the Centre and in lot of States. So, you could amend and take away items from the State List to the Concurrent List.

Please stop it for heaven's sake. In many other matters, which will come up, we will bring up the same subject. Yesterday, you were not here, that is, not in power at the Centre. Tomorrow, you may not be in power. What will happen then? When you will be in power in a number of States and not at the Centre, what will happen? Please think of that and do something with caution. Thank you.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Hon. Minister to reply to the debate.

SHRI ASHWANI KUMAR: Thank you, Mr. Vice-Chairman, Sir. May I, at the threshold, thank each and every hon. Member for having participated vigorously in the debate on this very important piece of legislation? I have heard each of my colleagues loud and clear and with all the attention that the serious interventions deserve. Sir, I would like to seek your permission to reply to some of the important points that have been raised in the hope that at the end of my reply, I would be able to commend the Bill for consideration of the House.

Sir, three or four substantive and very important points have been raised and the other points have been raised around those points. But the most important point seems to be premised on an apprehension that the role of the State Governments would be diluted by certain amending provisions of the Bill. I hasten to dispel, with all the force at my command, this apprehension. Sir, in response to the recommendations of the Standing Committee, we have consciously decided — and, that is now included in the Bill — that each and every State Government will be represented in the constitution of the Central Boilers Board, which would be the apex body to formulate the rules and regulations and which would implement the substantive provisions of the Bill. All powers will follow from the delibrations of this very

entensively constituted body, which will have nominees of the Central Government, professionals as well as technical, or any other nominee of the State Government. So, Sir, the first and the basic premise that the Bill is by way of dilution of the authority of the State inspectorates, in my respectful submission, is not well founded.

Sir, the second point which is about who will be competent to carry out inspections, whether third party inspections were at all necessary, with respect to that, Sir, I can only repeat what I said in the opening, namely, that with the advance of technology, with the increased demand for boilers, with the increased necessity of bringing larger number of boilers within the net of inspections, we have considered in a very comprehensive way, and for good reasons, that it is necessary to entrust, in addition to the State inspectorates, the task of inspections to third party private agencies. Now, who would these agencies be? These agencies will be anyone who has shown the requisite competence to be able to certify as to the technical superiority or technical requirements of a boiler. And, Sir, these need not be the multinational corporations. In fact, most of these third party inspection agencies were comprised of our own people. In fact, even if they were to be a multinational company, it is not going to have an expatriate company to do the inspection here; it will only employer owned people. And, who can be the qualified inspectors will, in turn, be determined by the rules and the regulations to be framed by the Central Boilers Board which, in turn, will have representation on it from the State Governments or the State Governments and also the Central Government nominees. So, on this score alone, I would hasten to dispel any misgivings that the hon. Members might entertain.

Sir, then, a question was raised about the lack of efficacy of the penal provisions. Now, Sir, one can have a different perspective on it. One can say that two years is not punitive enough or rigorous enough; one can say that one lakh rupees is not rigorous enough. But, Sir, on a totality of consideration of all the circumstances, we considered that it would suffice the cause of a purposive legislation to enhance the penal provisions in the manner that we have, and to enhance penalties from a thousand rupees to one hundred thousand rupees, I think, Sir, considering the overall circumstances of the industry, considering the demands for a benign legislation as well as an effective legislation, the penalties proposed would be adequate. And, in any case, Sir, since most of these are to be dealt with by the regulations, we believe that if experience were to tell us that we have been less than forthcoming on certain accounts, we always have the right to amend the regulations.

One of the points that was raised by my colleague, Mr. Naik, and, I think, it is a point well taken, was that a very large part of what is going to make effective this legislation has been left to be incorporated in the regulations. The point was well-taken. But, there is a reason for it. We know it, Sir, now for many years that the statute really provides only the skeleton of the law. The law is clothed by the regulations, in order that regulations are much easier to be amended, in order to meet the exigencies of the situation and in order to respond to the experiences in the working of a legislation. Therefore, Sir, the fact that some of the important measures which this legislation will bring in by regulations is not interrogation of our commitment to statutes or to substantive legislation but only to make more effective the skeleton of the law which, in the fitness of things, is what statutory legislation is all about.

Sir, a point was made that some of the provisions are more punitive and less preventive. I think, Sir, this is a distinction without a difference. You have to have a punitive measure so as to enable certain mischief to be remedied and to be prevented. One can have different viewpoints about what is effective or what is not effective. But, I think, Sir, 32 years, from 1974 when the first Technical Committee was appointed and 13 years from 1994 when the Bill was first

introduced, have not been spent in vain. We have considered the matter as minutely, as closely, as has been possible in consultation with all stakeholders. The Labour Ministry, the Power Boards of the State Governments, Members of the Central Board, and my own Ministry have taken a considered and conscious view in proposing the amendments that we have.

On the whole, I do believe that this legislation with the amendments, does satisfy the prime needs of our times,. We have also ensured, Sir, that whatever more remains to be included, in the light of the experience, will be included through the regulations.

Lastly, I would like to touch upon one point which was about the powers of the Technical Advisor. It was considered that the Technical Adviser would become too powerful. I may hasten to dispel that misconception also. All the powers which were at one time proposed to be with the Technical Adviser, who incidentally is Secretary of the Central Boilers Board, will now be vested in the Board as whole. So, Sir, there is enough room for discussion and debate which I have just pointed out is a widely representative body.

Sir, with these words, I think I have been able to respond to the substantive points made here. I believe that this legislation would receive acceptance and approval.

SHRI V. NARAYANASA MY: What about the existing boilers' inspectors? What are you going to do for them?

SHRI ASHWANI KUMAR: As far as existing boilers' inspectors are concerned. I may inform my colleague Mr. Narayanasamy, this third party inspection is not to their exclusion. My friend's apprehensions have been taken care of. The role of the inspectors remain; this is in addition to their role only to meet the growing demands of inspection.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): The question is ...*(Interruptions)*

SHRI TIRUCHI SIVA: Why don't you restrict a competent person's inspecting capacity to more than 50 MW?

SHRI ASHWANI KUMAR: This was considered in-depth in the Cabinet and the Government took the view that since we are now introducing third party inspection, it is only in the fitness of things to have all the boilers under the regime of inspection. Because experience told us that baby boilers, the smaller boilers, caused lot more accidents in the past than the big boilers.

SHRI TAPAN KUMAR SEN: Waht about Technical Adviser? Can you clarity it? You are giving a lot of power to an individual, Technical Adviser.

SHRI ASHWANI KUMAR: I think it is going to be vested in the Central Boilers Board and not with the Technical Board

SHRI TAPAN KUMAR SEN: But your law says that it would be the Technical Adviser. Even your amendment does not take care of the assignement of the huge power to the Technical Adviser, to an individual.

DR. K.MALAISAMY: Sir, the modern concept is decentralisation of power and delegation of powers. In the proposed amendment,they are trying to concentrate power on a single authority, namely, on the Board, particularly with reference to the Technical Adviser. Will there be a relook on that, and will you see that the power of delegation already given to the States and other people will be sustained?

SHRI ASHWANI KUMAR: Section 4 A B & C are quite explicit. Since the Board itself is a widely representative body with each and every State Government on it, nothing can be decided by the Board except with the active concurrence of all the State Governments. The question of centralisation does not arise. *(Interruptions)*

DR. K. MALAISAMY: The Board is consisting of whom? *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): No more questions. *(Interruptions)* I think everybody has spoken in detail *(Interruptions)*

The Minister has replied . *(Interruptions)* No more questions. *(Interruptions)*

SHRI M.V. MYSURA REDDY: Sir, my amendment is there. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): You have already spoken. *(Interruptions)* Everybody cannot speak second time. *(Interruptions)* His turn will come while the Bill is being passed. *(Interruptions)* It is not being passed just like that. Please sit down. Your turn will come. *(Interruptions)* Your chance will come. *(Interruptions)* Please, have patience. The rule is that you will get a change.

SHRI M.V. MYSURA REDDY: Sir, I know the rule.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, the question is:

That the Bill further to amend the Indian Boilers Act, 1923 be taken into consideration.

The motion was adopted

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, we shall take up clause-by-clasue consideration of the Bill.

Clause 2 was added to the Bill.

CLAUSE 3

Amendment of Section 2

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, Amendments (Nos. 15 to 17) by Shri Tapan Kumar Sen, Amendment (No. 23) by Shri Siva and Amendments (Nos. 24 to 26) by Shri M.V. Mysura Reddy.

SHRI TAPAN KUMAR SEN: Sir, I beg to move Amendments (Nos. 15 to 17).

15. That at page 2 *for* line 12 and 13, the following be *substituted,* namely:

(cb) "Competent Person" means a person recognised as per regulations for inspection and certification of boilers having capacity more than 100 MW during use,'

16. That at page 2, lines 15 and 16 be *deleted.*

17. That at page 2, lines 40 and 41 be *deleted.*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put the Amendmetns (Nos. 15 to 17) move by Shri Tapan Kumar Sen to vote.

Amendments (Nos. 15 to 17) were negatived.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Amendment (No 23) by Shri Tiruchi Siva.

SHRI TIRUCHI SIVA: No, Sir, I am not moving my amendment.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): So many people are speaking. *(Interruptions)* Let him speak. Not moving. Okay. Shri Mysura Reddy. Now, your time has come.

SHRI M.V. MYSURA REDDY: Sir, I wanted to have a clarification.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, you can ask, if ou want to.

SHRI M.V. MYSURA REDDY: Sir, there is a Board, as the Minister has told us.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): First, move Amendments and then seek clarifications.

SHRI M.V. MYSURA REDDY: Sir, I get to move Amendments (Nos. 24 to 26).

24 That at page 2, *for* lines 12 to 13, the following be *substituted*, namely:

'(cb)"Competent Person" means a person recognized as per regulations for inspection and certification of boilers having capacity more than 50 MW during use, all inspectors shall be *ipso facto* competent persons for all capacities.'

25 That at page 2 *for* lines 15 and 16 the following be *substituted*, namely:

'(ccd)"Inspecting authority" means an institution recognized in such manner as may be prescribed by regulations for the inspection and certification of boilers and boiler components during manufacture having capacity more than 50 MW. All Chief Inspectors of Boilers shall be *ipso facto* Inspecting Authority for all capacities.'

26 That at page 2, *for* lines 34 to 35, the following be *substituted*, namely:

"(ii) replacement of any part of boiler or boiler component by a part which conform to any specification in the regulations."

Sir, regarding the 'competent person', I move that all inspectors shall be *ipso-facto* competent persons for all capacities. But, for private person, I move for 50 megawatts because our people will be suffering, our Government-agent people will be suffering. Regarding 'Inspecting Authority' also, I suggested for 50 megawatts. Then, regarding the 'Technical Adviser'. When there is a Board and the Board is looking after, there is no need for taking a Technical Adviser because it is a State subject. When you are taking up a State subject and making a legislation, there is no need for this 'Technical Adviser'. And, Sir, I am moving these Amendments (Nos. 24 to 26).

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put the Amendmens (Nos. 24 to 26) move by Shri Mysura Reddy to vote.

Amendments (Nos. 24 to 26) were negatived.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, Amendment No. 27 by Shri M.V. Mysura Reddy.

SHRI M.V. MYSURA REDDY: Sir, I beg to move Amendment (No. 27).

27 That at page 2, lines 40 and 41 be *deleted.*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put the Amendment (No. 27) moved by Shri Mysura Reddy to vote.

Amendment (No. 27) was negatived.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now. Amendments (Nos. 3 to 6) by the hon. Minister.

SHRI ASHWANI KUMAR: Sir, I beg to move the Amendments (Nos. 3 to 6).

3. That at page 1, *for* lines 11 to 13, the following be *substituted*, namely:—

'(a) " accident" means an explosion of boiler, or boiler component, which is calculated to weaken the strength or an uncontrolled release of water or steam there from, liable to cause death or injury to any person or damage to any property,'

4. That at page 2, lines 1 and 2, *for* the words "design gauge pressure" the words "design gauge pressure and working gauge pressure" be *substituted*.

5. That at page 2, *for* lines 10 to 16, the following be *substituted*, namely:

'(ca) "Competent Authority" means an institution recognised in such manner as may be prescribed by regulations for issue of certificate to the welders for welding of boiler and boiler components;

(cb) "Competent Person" means a person recognized in such manner as may be prescribed by regulations for inspection and certification of boilers and boiler components during manufacture, erection and use. All Inspectors shall be *ipso facto* Competent Persons;

(4) after clause (ccc), the following clauses shall be inserted, namely:

(ccd) " Inspecting Authority" means an institution recognised in such manner as may be prescribed by regulations for the inspection and certification of boilers and boiler components during manufacture. All Chief Inspectors of Boilers shall be *ipso facto* Inspecting Authorities;'

6 That at page 2, lines23 and 24, the words "from a boiler" be *deleted*.

The questions were put and the motions were adopted.

Clause 3, as amended , was added to the Bill.

Clause 4 and 5 were added to the Bill.

CLAUSE 6

Insertion of new sections 4A to 4H

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): In clause 6, there are 9 amendments.

Amendments (No. 7 to 9) by the hon. Minister.

Amendments (No. 18 to 21) by Shri Tapan Kumar Sen.

Amendments (No. 28) by Shri Tiruchi Siva and Shri M.V. Mysura Reddy.

Amendments (No. 29) by Shri M.V. Mysura Reddy.

SHRI ASHWANI KUMAR: Sir, I beg to move:

(7) That at page 3, lines 14 and 15 be *deleted.*

(8) That at page 3, lines 27 to 41 be *deleted.*

(9) That at page 4, lines 1 to 30 be *deleted.*

SHRI TAPAN KUMAR SEN: Sir, I move only Amendment No. 18.

(18) That at page 3, lines 18 to 26 be *deleted.*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Shri Tiruchi Siva, are you moving your Amendment?

SHRI TIRUCHI SIVA: No, Sir. I am not moving.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Amendment (No. 28) by Shri M.V. Mysura Reddy. Are you moving it?

SHRI M.V. MYSURA REDDY: Yes Sir.

(28) That at page 3, lines 18 to 26 be *deleted.*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, Amendment (No. 29) by Shri M.V. Mysura Reddy. Are you moving?

SHRI M.V. MYSURA REDDY: I am moving, Sir.

(29) That at page 4, lines 18-30 *for* the words "Technical Advisor" wherever they occur the word "Board" be *substituted.*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, I shall first put the Amendment (No. 7 to 9) by the hon. Minister to vote.

The questions were put and the motions were adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put the Amendment (No. 18) moved by Shri Tapan Kumar Sen to vote.

The Amendment (No. 18) was negatived.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put the Amendment (No. 28) moved by Shri M.V. Mysura Reddy to vote.

The Amendment (No. 28) was negatived.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put the Amendment (No. 29) moved by Shri M.V. Mysura Reddy to vote.

The Amendment (No. 29) was negatived.

Clause 6, as amended, was added to the Bill.

Clause 7 to 9 were added to the Bill.

Clause 10 Amendment of Section 8.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): In clause 10, there are 2 Amendments.

Amendment (No. 10) by the Minister.

Amendment (No. 33) by Shri M.V. Mysura Reddy.

SHRI ASHWANI KUMAR: Sir, I beg to move:

(10) That at page 7, *for* lines 1 and 2, the following be *substituted*, namely:

(b) for sub-section (3) the following sub-section shall be substituted, namely:—

(3) When a certificate ceases to be in force, the owner of the boiler may apply to the Competent Person for renewal thereof for such period as may be prescribed by regulations."

SHRI M.V. MYSURA REDDY: Sir, I move:

(33) That in the list of amendments dated the 14th November, 2007, amendment number 10 be *deleted*.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): No, I shall first put the Amendment (No. 10) by the hon. Minister to vote.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put the Amendment (No. 33) moved by Shri M.V. Mysura Reddy to vote.

The Amendment (No. 33) was negatived.

Clause 10, as amended, was added to the Bill.

Clause 11 to 16 were added to the Bill.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): In clause 17, there is one Amendment (No. 30) by Shri Tiruchi Siva, Are you moving it?

SHRI TIRUCHI SIVA: No, Sir.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put cluase 17 to vote.

Clause 17 was added to the Bill.

Clause 18: Insertion of new section 18A.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): There is one Amendment (No. 18) by the Minister.

SHRI ASHWANI KUMAR: Sir, I beg to move:

(11) That at page 8, lines 25 to 33 be *deleted*.

The question was put and the motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 was added to the Bill.

CLAUSE 20

Amendment of section 20.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): There is one Amendment (No. 31) by Shri Tiruchi Siva, Are you moving?

SHRI TIRUCHI SIVA: No, Sir.

Clause 20 was added to the Bill.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA):

4.00 P.M.

Clause 21 to 25 were added to the Bill.

Clause 26 Amendment of section 27A.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): In Clause 26, there are 5 amendments.

Amendments (No. 12 and 13) by the hon. Minister.

Amendments (No. 22) by Shri Tapan Kumar Sen.

Amendments (No. 32) by Sri Tiruchi Siva.

Amendments (No. 34) by Shri M.V. Mysura Reddy.

SHRI ASHWANI KUMAR: Sir, I beg to move:

(12) That at page 9, *for* lines 40 to 42 the following be *substituted*, namely:—

"(b)" a senior technical officer conversant with the inspection and examination of boilers, to be nominated by the Government of each State (other than a Union Territory);"

(13) That at page 10 *for* line 1, the following be *substituted*, namely:-

"(c) equal number of other persons as in sub-section (b) above to represent."

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Amendment (No. 22) by Shri Tapan Kumar Sen. Are you moving it?

SHRI TAPAN KUMAR SEN: No, Sir.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Amendment (No. 32) by Shri Tiruchi Siva. Are you moving it?

SHRI TIRUCHI SIVA: No, Sir.

THE VICE CHAIRMAN (SHRI SANTOSH BAGRODIA): Amendment (No. 34) by Shri Mysura Reddy. Are you moving it?

SHRI M.V. MYSURA REDDY: Sir, I move:

(39) That in the list of amendments dated the 14th November, 2007 Amendment number 13 be *deleted*.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, I shall first put Amendments (No 12 and 13) by the hon. Minister to vote.

The questions were put and the motions were adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall now put the amendment (No. 34) moved by Shri M.V. Mysura Reddy to vote.

The Amendment (No. 34) was negatived.

Clause 26, as amended, was added to the Bill.

Clause 27 to 31, were added to the Bill.

CLAUSE 32

Amendment of section 34.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): We shall now take up Clause 32. In clause 32, there is one amendment by the hon. Minister.

SHRI ASHWANI KUMAR: Sir, I beg to move:

19 That at page 12, *for* lines 8 to 14 the following be *substituted*, namely:—

'32. In section 34 of the principal Act, *for* sub-section (3), the following shall be substituted, namely:—

"(3) If the State Government is satisfied that having regard to the material, design or construction of boilers and to the need for the rapid industrialization of the country, it is necessary so to do, it may, by notification in the Official Gazette and subject to such conditions as may be prescribed by regulations, exempt any boiler or boiler components in the whole or any part of the State from the operation of all or any of the provisions of this Act."

The question was put and the motion was adopted.

Clause 32, as amended, was added to the Bill.

CLAUSE 1

Short title and commencement

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): We shall now take up Clause 1. In Clause 1, there is one amendment No. 2 by the hon. Minister.

SHRI ASHWANI KUMAR: Sir, I move:

(3) That at page 1, line 3, *for* the figure "1994" the figure "2007" *be substituted.*

The question was put and the motion was adopted

Clause 1, as amended, was added to the Bill.

Enacting Formula

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I shall take up the Enacting Formula. In the Enacting formula, there is one amendment by the hon. Minister.

SHRI ASHWANI KUMAR: Sir, I move:

(4) That at page 1, line 1, *for* the word "Forty-fifth" the word "Fifty-eighth" be *substituted.*

The question was put and the motion was adopted

The Enacting Formula, as amendmed was added to the Bill

The Title was added to the Bill.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, Mr. Minister.

SHRI ASHWANI KUMAR: Sir, I move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, we will take up the Indira Gandhi National Tribal University Bill. ...*(Interruptions)*...

श्री अजय मारू (झारखंड): उपसभाध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है। महोदय,पिछले दो दिनों से एयरक्राफट (एमेंडमेंट) बिल हमेशा एजेंडा में लग कर आ रहा था और बी०ए०सी० की मिटिंग में अभी तक यह बिल अप्रूव नहीं हुआ है। रूल बुक के पेज 18 के हिसाब से, जो प्वायंट नंबर 28 है, उसमें लिखा है-बिल्स।

> "The Business Advisory Committee's usual practice is to consider only those Bills which have been recommended by the Business Advisory Committee."

चूंकि यह बिल वहां से अभी तक रिकमेंड होकर नहीं आया है, इसलिए इस बिल पर अभी चर्चा नहीं होनी चाहिए।...**(व्यवधान)**....

SHRI V. NARAYANSAMY: The Chairman has got the right. ...*(Interruptions)*...

श्री अजय मारू: नहीं, सर .....**(व्यवधान)**.... यह गलत परम्परा की शुरूआत नहीं की जाए .....**(व्यवधान)**.

....

गलत परम्परा की शुरूआत नहीं की जाए, महोदय.....**(व्यवधान)**....

श्री सुरेन्द्र लाठ (उड़ीसा): यह व्यवस्था का सवाल है ..**(व्यवधान)**.... सर, यह व्यवस्था का सवाल है ..एयरक्राफट (एमेंडमेंट) बिल तीन दिनों से लगा हुआ है .....**(व्यवधान)**....

प्रो० राम देव भंडारी (बिहार): सर, यह इम्पोर्टेण्ट बिल है। जनजातियों के लिए युनिवर्सिटी देने का बिल है। ....**(व्यवधान)**....

श्री अजय मारू: ठीक है कि इम्पोर्टेण्ट बिल है, मगर उसे ऐसे नहीं लाया जा सकता है। ..**(व्यवधान)**....

SHRI V. NARAYANASAMY: Are you opposing the Bill? *(Interruptions)*...

Are you opposing the Bill? *(Interruptions)*... Then, why don't we discuss the Bill? *(Interruptions)*...

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): आप जो चाहते हैं, वही बात मंत्री जी बाल रहे हैं। आप सुन तो लीजिए।....**(व्यवधान)**....

SHRI V. NARAYANSAMY: It is for the Tribal people in the bribal areas. *(Interruptions)*...

श्री अजय मारू: जब भी सरकार चाहती है, कोई भी बिल ले आती है। यह तरीका ठीक नहीं है, सर। ... **(व्यवधान)**....

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): आप मंत्री जी की बात तो सुनने दीजिए। ...**(व्यवधान)**.... ठीक है, आप जो चाहते हैं, मगर मैं सबकी बात सुन कर ही तो निर्णय लूंगा। ...**(व्यवधान)**....

श्री सुरेन्द्र लाठ: महोदय, गलत व्यवस्था न डाली जाए। ...**(व्यवधान)**....

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): गलत काम नहीं होगा, आप निश्चित रहिए। ...**(व्यवधान)**....

श्री अजय मारू: सरकार जो बिल लाती है, सभी बिल महत्वपूर्ण होते हैं, लेकिन पिछले तीन दिनों से एजेण्डा में एअरक्राफट (अमेंडमेंट) बिल आ रहा है और आज इसको एजेंडा मे तीसरे नंबर पर रख दिया गया है। .. .**(व्यवधान)**....

प्रो० राम देव भंडारी: आप दोनों ऐसी स्टेट्स से आते हैं, जहां ट्राइबल्स की संख्या अधिक है। इसलिए इस बिल को लेने दीजिए और पारित कराइए। ...**(व्यवधान)**....

SHRI V. NARAYANASAMY: It is for the Tribal people in the tribal areas. *(Interruptions)*...

श्री अजय मारू: नहीं, ट्राइबल्स की बात आप हमें न बताएं। अभी हम असम में ट्राइबल्स पर क्या अत्याचार हुआ, उस पर भी चर्चा। करने वाले हैं। ...(व्यवधान).... सभी बिल बहुत महत्वपूर्ण हैं। मैं यह नहीं बोल रहा हूं कि आप उस बिल पर चर्चा न करें, लेकिन नियम होता है। ...(व्यवधान)....

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): आप मुझे बोलने देंगे या आप ही आप बोलते रहेंगे।

(The Vice-Chairman) Do you want me to give my ruling or do you want to continue to talk? आपने बोल दिया? अब कुछ और बोलना चाहते हैं या मैं बोलूं? आपकी व्यवस्था की बात बिल्कुल सही है, इसलिए अभी हम उस बिल को नहीं लेंगे। अब हम "द एअरक्राफट (अमेंडमेंट) बिल, 2007" लेंगे। Shri Praful Patel is to move a motion for consideration of the Aircraft (Amendment) Bill, 2007.

THE AIRCRAFT (AMENDMENT) BILL, 2007.

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): Sir, I beg to move:

"That the Bill further to amend the Aircraft Act, 1934, as passed by Lok Sabha, be taken into consderation."

[THE VICE-CHAIRMAN (PROF. P.J. KURIEN) IN THE CHAIR]

Sir, the Aircraft Act, 1934 has been sought to be amended and this Amendment has been passed by the Lok Sabha earlier. The entire aviation scenario has undergone a major change and the situation, as it exists today, is far, far different and dynamic than what it was when this Act was passed in 1934. Of course, amendments have been taking place, from time to time. There is also an issue that our legislation should also be compatible with the legislation passed in different countries because the aviation transcends borders, and any legislation will have to be effective and it will have to be in tune with the international practices as adopted by the...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN) Mr. Sen, please sit down.

SHRI PRAFUL PATEL: Charter of the International Civil Aviation Organisation. Therefore, many member-countries have also brought up this issue and it has also been brought up in the various meetings of the International Civil Aviation Organisation, and to bring more parity with the legislation which is available across the entire world, our Aircraft Act, 1934 is sought to be amended to some extent.

Broadly, before the hon. Membes would like to participate, I would like to say that the key aspect behind this Amendment is to bring in more safety and security control by giving more powers to the regulatory framework to be able to, basically, license the people who are engaging in civil aviation activities. Even our airports were not earlier licensed because it was all arising out of the function of the regulatory authority. It was known as the Director-General of Civil Aviation, coordinating the entire activities connected with aviation, including running of airports. Then, it became the Airports Authority. We had the National Airports Authority. Now, we also have a situation where it is not the Ariport Authority alone which is doing the function of running airports; we have private airports and we have joint venture airports; and the scope of these activities is going to keep on increasing more and more in the future. So, we definitely feel that a more comprehensive legislation, which will confer more powers on the regulatory framework, especially, in the licensing of airports; licensing of personnel engaged in air traffic control; certification, inspection and regulation of communication, navigation and air surveillance; and air traffic management facilities.